IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.4542 of 2006

Ganesh Nathu Rajput — Applicant
Vs.
The State of Maharashtra — Respondent

Mr.K.S.Patil for applicant.
Ms.M.H.Mhatre, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 15, 2007.

P.C.

. Heard Mr.Patil, the learned counsel for the applicant who has been arrested on 3/11/2006 in connection with C.R. No.I-86 of 2006 registered with the Manor Police Station in Thane district. The main incident is that of a broad day light robbery as per the complaint lodged on 4/8/2006 and the robbed property was allegedly sold to the applicant and it valued approximately Rs.12 lakhs. The stolen goods have been recovered from the custody of the applicant.

. The learned 1st Ad-hoc Addl. Sessions Judge rejected the applicant's plea for the regular bail on the ground that the stolen property worth Rs.12 lakhs was recovered from the shop of the applicant and he had allegedly purchased the same for the meagre sum

of Rs.2.25 lakhs. The investigation was in progress when the bail application was rejected.

. It is now stated that on completion of the investigation, charge-sheet has been filed and admittedly the present applicant, who is arraigned as accused no.1, is charged for an offence punishable under Section 412 of IPC read with Section 34 of IPC. Under the circumstances, there is no justification in the applicant being continued in custody as an under-trial accused.

. Hence the application is allowed and it is directed that the applicant (accused no.5) be released on bail by furnishing PR bond in the sum of Rs.50,000/- with one solvent surety for the like amount and on the condition that he shall remain present before the concerned Sessions Court when the trial commences and he shall not leave the place of his residence for a period of more than one week unless he obtains permission from the concerned police station.

(B.H